

SUBJECT: Regulation of crane operators

COMMITTEE: Labor and Employment Relations: committee substitute recommended

VOTE: 5 ayes--Criss, Roberts, Martinez, Betts, G. Thompson
1 nay--Watkins
3 absent--Hinojosa, P. Moreno, Shine

WITNESSES: For--Neal Haynes, Operating Engineers Local 714; Don Baucum, Holloway Crane Service; Jimmy Storey, Davis Crane Service, Steve Brackett, crane operator; Bob Kemp, Kempco; Jerry Turner, Lifting International, Inc.
Against--Don Harris, Board for Crane Operator Certification, Inc.; Jim Sewell, Associated General Contractors

DIGEST: CSHB 384 would require the Texas Department of Labor and Standards to regulate, license and enforce the operation of construction cranes. The crane regulation standards would have to meet the standards of the American National Standards Institute and would have to be adopted within 90 days of enactment. The department could also establish a provisional license program for trainee crane operators.

CSHB 384 would not apply to cranes used by the oil and gas industry on off-shore drilling platforms, rotary drilling rigs used in oil and gas production or any vehicle or equipment that does not have a power-operated winch and load line.

The bill would create the Advisory Board on Crane Operation to advise the department. The five-member board would be composed of a crane operator with 10 years experience, a crane owner, a licensed engineer with five years experience, a qualified crane operation instructor, and a insurance-industry representative, who would serve two-year terms.

The licensing exam would have a written part and a practical demonstration part. A licensed crane operator would have to be at least 18 years old and have passed the licensing exam. A license would have

to be renewed annually. A licensee would have to take the department exam every six years. A crane operator who is qualified to operate a crane under rules set out by the U.S. Department of Labor on Sept. 1, 1987 and and who applies prior to Jan. 1, 1988, would not have to take an exam to receive a license.

The department could deny, suspend, revoke or reinstate a license. Licensees could have their license denied, suspended or revoked if they endangered the safety of persons near high voltage lines, if a crane accident were caused by the actions or omissions of the crane operator, for operating a crane under the influence of alcohol or drugs or any other violation established by the department. Suspension or revocation proceedings would be subject to the Administrative Procedure and Texas Register Act. A crane operator whose license was revoked could apply for a new license one year later.

The following crane operators would be exempt from licensing under this act:

- U.S. military crane operators working on military projects,

- agricultural crane operators,

- maritime industry crane operators at marine terminals or port areas,

- an operator whose employer does not hire out cranes, operate cranes under contract with others, and who has a crane-operators training program approved by the department.

It would be a class B misdemeanor (up to 180 days in jail and/or a \$1,000 fine) if a person operated a crane without a license. It would be a third degree felony (2 to 10 years in prison and a maximum \$5,000 fine) if a person operated a crane under the influence of alcohol or drugs.

SUPPORTERS
SAY:

CSHB 384 would ensure that construction crane operators are properly trained to operate this dangerous equipment. Regulation would not only protect the safety of construction workers but would likely result in lowered insurance rates for crane owners and operators. On April 25, three construction workers were killed in Dallas when a crane, which was being

dismantled, collapsed. This bill would help prevent those kinds of accidents from happening.

Requiring crane operators to take an exam every six years would ensure that they retain the mental and physical ability to operate a crane. It is the function of government to license potentially dangerous jobs in the name of public safety. The crane operators that would be exempt under this bill would either be under military jurisdiction or work on cranes not involved in construction.

CSHB 384 would not cost the state any money because the fee collected for licensing would offset the cost of issuing the licenses.

OPPONENTS
SAY:

CSHB 384 would just establish another regulatory bureaucracy that would do little but increase costs for the crane industry. The industry already does a good job of policing itself. A non-profit corporation, Crane Operators Certification, Inc., now certifies crane operators. Although the program has only been in place one year, about 13 crane operators have been certified so far.

The state cannot expect to police the industry with the same efficiency. The state could not assure, though this licensing program, that accidents would not occur. The industry is concerned about safety and keeping insurance rates down. This bill is unnecessary and would cost the state money for another regulatory program at a time when it can least afford it.

NOTES:

The committee substitute added the exemption for cranes involved in oil and gas production and equipment with a loadline and hoist. It would allow for crane learners permits. It added the the advisory committee. The committee substitute added that the license must be renewed every year and the exam must to be taken every six years. The substitute also created penalties for operating a crane under the influence of alcohol or drugs.

Amendments may be offered that would allow exemptions for crane operators whose employer does not hire out cranes or operates cranes under contracts with others, or employers that provide training programs approved by the department. The committee substitute now requires that all three conditions be met for an exemption.